

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

MACK-UNIVERSITY LLC, et al.  
Plaintiffs,  
vs.  
JAMES HALSTEAD, et al.,  
Defendants.

Case No.: SACV07-393 DOC (ANx)

Assigned to Hon. David O. Carter  
Department 9D

**JUDGMENT AGAINST  
DEFENDANTS GAMEPLAN, INC.  
AND JAMES R. HALSTEAD**

**(INCLUDING AWARD OF  
PUNITIVE DAMAGES)**

On August 20, 2008, after a hearing on August 18, 2008, the Court granted the motion of Consolidated Plaintiffs made under Rule 56 of the Federal Rules of Civil Procedure for summary judgment against Defendants James Halstead and GamePlan, Inc. as to all counts asserted against them, including claims for the violation of federal and California State securities laws and common law fraud and deceit in connection with the sale of securities. Furthermore, on September 3, 2008, after a hearing on that date, the Court also ordered that Consolidated Plaintiffs would be entitled to punitive damages as against Defendants James Halstead and GamePlan, Inc.

Pursuant to those orders and Federal Rule of Civil Procedure 58, and upon finding no just reason for delay, judgment shall be entered accordingly as detailed below, along with prejudgment interest of 7% on the amount of compensatory damages from January 1, 2007 to September 5, 2008, punitive damages, and post-

**JUDGMENT AGAINST DEFENDANTS GAMEPLAN, INC. AND JAMES R. HALSTEAD**

1 judgment interest, cost and fees as allowed by law and as detailed below.

2 **PIERCE PLAINTIFFS:**

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Judgment  
 4 be and is hereby entered in favor of the Pierce Plaintiffs (as "Pierce Plaintiffs" is  
 5 defined in Paragraphs 16 through 15 of the Consolidated Complaint filed herein on  
 6 May 12 2008), as detailed below and against Defendants GAMEPLAN, INC. and  
 7 JAMES R. HALSTEAD, jointly and severally, in the following amounts, with  
 8 prejudgment interest being calculated at the rate of 7% per annum from January 1,  
 9 2007 to September 5, 2008:

	<u>Principal</u>	<u>Prejudgment Interest</u>	<u>Punitive Damages</u>	<u>Total</u>
12 John Pierce	\$375,000.00	\$44,157.53	\$750,000.00	\$1,169,157.53
13 Trent Walker	\$126,000.00	\$14,836.93	\$252,000.00	\$392,836.93
14 Michael Hefner	\$30,000.00	\$3,532.60	\$60,000.00	\$93,532.60
15 Greg Velastegui	\$150,000.00	\$17,663.01	\$300,000.00	\$467,663.01
16 Thomas Hazen	\$1,203,394.00	\$141,703.76	\$2,406,788.00	\$3,751,885.76
17 Lawson Family Trust	\$356,500.00	\$41,979.10	\$713,000.00	\$1,111,479.10
18 The Lawson Marketing				
19 Group, Inc.	\$200,000.00	\$23,550.68	\$400,000.00	\$623,550.68
20 Larry Rabineau	\$240,650.00	\$28,337.36	\$481,300.00	\$750,287.36
21 Marc Halliburton	\$1,499,959.80	\$145,557.74	\$2,999,919.60	\$4,645,437.14
22 Builders Financial				
23 Expeditors, LLC	\$20,000.00	\$2,355.07	\$40,000.00	\$62,355.07
24 Marilyn Platfoot	\$200,000.00	\$23,550.68	\$400,000.00	\$623,550.68
25 Robert Culver and				
26 Claudine Halliburton	\$160,000.00	\$18,840.55	\$320,000.00	\$498,840.55
27 Robert Halliburton	\$158,000.00	\$18,605.04	\$316,000.00	\$492,605.04
28 Yves Halliburton	\$14,000.00	\$1,648.55	\$28,000.00	\$43,648.55

1	Bernie Germani Sr.	\$16,200.00	\$1,907.61	\$32,400.00	\$50,507.61
2	Bernie Germani Jr.	\$261,000.00	\$30,733.64	\$522,000.00	\$813,733.64
3	Ed Sherman	\$20,000.00	\$2,355.07	\$40,000.00	\$62,355.07
4	Jane McElroy	\$10,000.00	\$1,177.53	\$20,000.00	\$31,177.53
5	Steve Lowe and				
6	Lisa Lowe	\$130,368.00	\$15,351.28	\$260,736.00	\$406,455.28
7	Michael Manser and				
8	Amy Manser	\$493,000.00	\$58,052.44	\$986,000.00	\$1,537,052.44
9	John M. Powers dba				
10	American Home Loans	\$868,325.00	\$102,248.24	\$1,736,650.00	\$2,707,223.24
11	Powers Trust				
12	Investments DBPP	\$25,000.00	\$2,943.84	\$50,000.00	\$77,943.84
13	Melissa J. Powers	\$150,000.00	\$17,663.01	\$300,000.00	\$467,663.01
14	John M. Powers Jr.	\$855,000.00	\$100,679.18	\$1,710,000.00	\$2,665,679.18
15	Tooker Family Trust	\$412,500.00	\$48,573.29	\$825,000.00	\$1,286,073.29
16	Jason Wojtyna and				
17	Barbara Wojtyna	\$556,475.00	\$65,526.84	\$1,112,950.00	\$1,734,951.84
18	Kilpatrick Investments				
19	LP	\$61,500.00	\$7,241.84	\$123,000.00	\$191,741.84
20	Proclaim LLC	\$333,700.00	\$39,294.32	\$667,400.00	\$1,040,394.32
21	KEBO Investments LLC	\$5,700.00	\$671.19	\$11,400.00	\$17,771.19
22	Brandon Keenen	\$24,750.00	\$2,914.40	\$49,500.00	\$77,164.40
23	James L. Frey	\$36,750.00	\$4,327.44	\$73,500.00	\$114,577.44
24	James L. Frey Trust	\$26,000.00	\$3,061.59	\$52,000.00	\$81,061.59
25	David N. Frey Trust	\$38,250.00	\$4,504.07	\$76,500.00	\$119,254.07
26	James Michael Frey	\$24,750.00	\$2,914.40	\$49,500.00	\$77,164.40
27	Amy Frey	\$38,250.00	\$4,504.07	\$76,500.00	\$119,254.07
28	James L. Frey MD	\$86,250.00	\$10,156.23	\$172,500.00	\$268,906.23

1 Research Ltd.

2 Randal Whittle	\$301,000.00	\$35,443.78	\$602,000.00	\$938,443.78
3 Dennis W. Wilson	\$504,640.00	\$59,423.09	\$1,009,280.00	\$1,573,343.09
4 Thuan Phan	\$1,850,000.00	\$217,843.84	\$3,700,000.00	\$5,767,843.84
5 Anthony Edwards	\$849,000.00	\$99,972.66	\$1,698,000.00	\$2,646,972.66
6 Reed Hummel	\$350,000.00	\$41,213.70	\$700,000.00	\$1,091,213.70
7 Steven Cox	\$1,479,000.00	\$174,157.32	\$2,958,000.00	\$4,611,157.32
8 TOTALS	\$14,540,911.80	\$1,411,066.02	\$29,081,823.42	\$45,033,801.42

9 The above Pierce Plaintiffs shall also be awarded their costs of suit in the  
 10 amount of \$ **TO BE DETERMINED**. Post-judgment interest at the rate of 2.18%  
 11 per annum shall accrue on all of these amounts from the date of entry of this  
 12 Judgment until paid in full.

13 **MACK-UNIVERSITY PLAINTIFFS:**

14 IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED  
 15 that Judgment be and is hereby entered in favor of the Mack-University Plaintiffs (as  
 16 “Mack-University Plaintiffs” is defined in Paragraphs 14 and 15 of the Consolidated  
 17 Complaint filed herein on May 12, 2008), as detailed below and against Defendants  
 18 GAMEPLAN, INC. and JAMES R. HALSTEAD in the following amounts, with  
 19 prejudgment interest being calculated at the rate of 7% per annum from January 1,  
 20 2007 to September 5, 2008:

	<u>Principal</u>	<u>Prejudgment Interest</u>	<u>Punitive Damages</u>	<u>Total</u>
23 Mack University LLC	\$2,600,000.00	\$306,158.90	\$5,200,000.00	\$8,106,158.90
24 PMP Ventures-Pipes, 25 LLC	\$1,000,000.00	\$117,753.42	\$2,000,000.00	\$3,117,753.42
26 TOTALS	\$3,600,000.00	\$423,912.33	\$7,200,000.00	\$11,223,912.33

27 The above Mack-University Plaintiffs shall also be awarded their costs of suit in  
 28 the amount of \$ **TO BE DETERMINED**, as well as attorney’s fees in the amount

1 of \$ **TO BE DETERMINED**. Post-judgment interest at the rate of 2.18% per  
 2 annum shall accrue on all of these amounts from the date of entry of this Judgment  
 3 until paid in full.

4 **BURNETT PLAINTIFFS:**

5 IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED  
 6 that Judgment be and is hereby entered in favor of the Burnett Plaintiffs (as “Burnett  
 7 Plaintiffs” is defined in Paragraph 55 of the Consolidated Complaint filed herein on  
 8 May 12, 2008), as detailed below and against Defendants GAMEPLAN, INC. and  
 9 JAMES R. HALSTEAD in the following amounts, with prejudgment interest being  
 10 calculated at the rate of 7% per annum from January 1, 2007 to September 5, 2008:

	<u>Principal</u>	<u>Prejudgment Interest</u>	<u>Punitive Damages</u>	<u>Total</u>
13 Kai W. Adler	\$20,680.00	\$2,435.14	\$41,360.00	\$64,475.14
14 Robert W. Bellano	\$11,210.00	\$1,320.02	\$22,420.00	\$34,950.02
15 Michael Brackett	\$19,725.00	\$2,322.69	\$39,450.00	\$61,497.69
16 Eric Bradley and				
17      Jennifer Bradley	\$132,366.67	\$15,586.63	\$264,733.34	\$412,686.64
18      Ernie Burnett	\$561,445.85	\$66,112.17	\$1,122,891.70	\$1,750,449.72
19      Enrique Campos and				
20      Tammy Campos	\$106,981.26	\$12,597.41	\$213,962.52	\$333,541.19
21      Mark Childers and				
22      Cherie Childers	\$215,350.00	\$25,358.20	\$430,700.00	\$671,408.20
23      Mike Curtis and				
24      Gwen Curtis	\$137,754.92	\$16,221.11	\$275,509.84	\$429,485.87
25      Fifteen Morgan, LLC	\$45,333.33	\$5,338.15	\$90,666.66	\$141,338.14
26      First Trust Co. of Onaga	\$376,207.39	\$44,299.71	\$752,414.78	\$1,172,921.88
27      Anne Frank	\$89,466.67	\$10,535.01	\$178,933.34	\$278,935.02
28      Alan Girdlestone and	\$112,616.67	\$13,261.00	\$225,233.34	\$351,111.01

1	Dolores Girdlestone				
2	Jason Glass	\$35,412.50	\$4,169.94	\$70,825.00	\$110,407.44
3	Vadim Dan Gluzman and				
4	Musia Gluzman	\$217,332.51	\$25,591.65	\$434,665.02	\$677,589.18
5	Fran Hargadon	\$46,066.67	\$5,424.51	\$92,133.34	\$143,624.52
6	Daniel Kechejian and				
7	Aline Kechejian	\$40,718.75	\$4,794.77	\$81,437.50	\$126,951.02
8	George C. Kenney	\$36,925.00	\$4,348.05	\$73,850.00	\$115,123.05
9	James Kim	\$13,800.00	\$1,625.00	\$27,600.00	\$43,025.00
10	Fred Koeppel	\$45,333.33	\$5,338.15	\$90,666.66	\$141,338.14
11	Jeff Marsden and				
12	Christine Marsden	\$21,929.17	\$2,582.23	\$43,858.34	\$68,369.74
13	Robert B. MacDonald	\$20,166.67	\$2,374.69	\$40,333.34	\$62,874.70
14	Nigel Charles Page	\$69,900.00	\$8,230.96	\$139,800.00	\$217,930.96
15	Stephen Perebzak	\$450,992.08	\$53,105.86	\$901,984.16	\$1,406,082.10
16	Eric Rasor and				
17	Laura Rasor	\$234,600.00	\$27,624.95	\$469,200.00	\$731,424.95
18	Mark R. Sawusch	\$342,166.67	\$40,291.30	\$684,333.34	\$1,066,791.31
19	Ralph W. Sheets	\$12,751.67	\$1,501.55	\$25,503.34	\$39,756.56
20	Spectrum Lending Group	\$39,700.00	\$4,674.81	\$79,400.00	\$123,774.81
21	Fakhri Taheri	\$23,408.33	\$2,756.41	\$46,816.66	\$72,981.40
22	John Taylor	\$199,920.83	\$23,541.36	\$399,841.66	\$623,303.85
23	Therapy Care, Inc.	\$61,163.34	\$7,202.19	\$122,326.68	\$190,692.21
24	Twelve Morgan, LLC	\$130,200.00	\$15,331.50	\$260,400.00	\$405,931.50
25	Shirley Wagner	\$129,235.42	\$15,217.91	\$258,470.84	\$402,924.17
26	TOTALS	\$4,000,860.70	\$471,115.05	\$8,001,721.40	\$12,473,697.15

The above Burnett Plaintiffs shall also be awarded their costs of suit in the amount of \$ **TO BE DETERMINED**, as well as attorney's fees in the amount of

1 **TO BE DETERMINED.** Post-judgment interest at the rate of 2.18% per annum  
 2 shall accrue on all of these amounts from the date of entry of this Judgment until paid  
 3 in full.

4 **DUSKY PLAINTIFFS:**

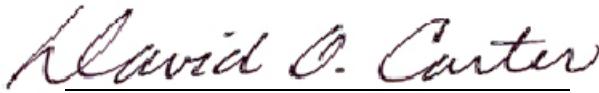
5 IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED  
 6 that Judgment be and is hereby entered in favor of the Dusky Plaintiffs (as "Dusky  
 7 Plaintiffs" is defined in Paragraphs 56 through 59 of the Consolidated Complaint filed  
 8 herein on May 12, 2008), as detailed below and against Defendants GAMEPLAN,  
 9 INC. and JAMES R. HALSTEAD in the following amounts, with prejudgment  
 10 interest being calculated at the rate of 7% per annum from January 1, 2007 to  
 11 September 5, 2008:

	<u>Principal</u>	<u>Prejudgment Interest</u>	<u>Punitive Damages</u>	<u>Total</u>
14 Mariciela Dusky	\$50,000.00	\$5,887.67	\$100,000.00	\$155,887.67
15 Salvador Sahagun	\$50,000.00	\$5,887.67	\$100,000.00	\$155,887.67
16 Melissa Hansen	\$50,000.00	\$5,887.67	\$100,000.00	\$155,887.67
17 TOTALS	\$150,000.00	\$17,663.01	\$300,000.00	\$467,663.01

18 The above Dusky Plaintiffs shall also be awarded their costs of suit in the  
 19 amount of \$ **TO BE DETERMINED**, as well as attorney's fees in the amount of  
 20 \$ **TO BE DETERMINED**. Post-judgment interest at the rate of 2.18% per annum  
 21 shall accrue on all of these amounts from the date of entry of this Judgment until paid  
 22 in full.

23 ORDERED, ADJUDGED AND DECREED.

25 DATED: September 8, 2008

26 

27 HON. DAVID O. CARTER  
 28 U.S. DISTRICT COURT JUDGE